

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SERGIO ALVAREZ,

Plaintiff,

v.

MORRIS SHEA BRIDGE COMPANY,

Defendant.

Case No. 1:24-cv-00723-JLT-BAM

**ORDER DISCHARGING ORDER TO
SHOW CAUSE AND SETTING
DEADLINE FOR OPPOSITION AND
REPLY**

(Doc. 33)

Plaintiff Sergio Alvarez filed his First Amended Complaint against Defendant Morris-Shea Bridge Company, Inc. on August 29, 2024. (Doc. 20.) On September 13, 2024, Defendant filed a motion to dismiss Plaintiff's First Amended Complaint under Federal Rule of Civil Procedure 12(b)(6). (Doc. 22.) Plaintiff failed to file a timely opposition. Accordingly, on November 8, 2024, the Court directed Plaintiff to show cause by written response why the motion to dismiss should not be granted and the action dismissed with prejudice based on Plaintiff's failure to file a timely opposition. (Doc. 33.) The Court instructed Plaintiff that he may comply with the Court's order by filing an opposition or statement of non-opposition to Defendant's September 13, 2024 motion to dismiss or, in the alternative a notice of voluntary dismissal. (Doc. 33.)

On November 13, 2024, Plaintiff filed a written response to the Court's show cause order, explaining that he disagrees with dismissal. (Doc. 34.) Having considered Plaintiff's response,

1 the Order to Show Cause is HEREBY DISCHARGED.

2 As Plaintiff's response is directed to the Court and not the pending motion to dismiss,
3 Plaintiff will be granted additional time to file an opposition to Defendant's motion to dismiss.
4 Plaintiff's opposition to the motion to dismiss shall be filed no later than **December 2, 2024**.
5 Defendant's reply, if any, shall be served and filed within ten (10) days after any opposition is
6 filed. Plaintiff is warned that the failure to file a timely opposition to the motion will be
7 construed by the Court as a non-opposition to the motion. L.R. 230(c).

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9 IT IS SO ORDERED.

10 Dated: November 18, 2024

11 /s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE
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